

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JENNIFER LEIGH CARROLL,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANN MARIE MERKLINGER,

Respondent-Appellant,

and

WESLEY CARROLL,

Respondent.

UNPUBLISHED

June 12, 2003

No. 245340

Mecosta Circuit Court

Family Division

LC No. 01-004185-NA

Before: Sawyer, P.J., and Meter and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(iii), (c)(i), and (j).¹ We affirm.

The trial court found by clear and convincing evidence that respondent-appellant's husband, Aaron Merklinger, had sexually abused his stepdaughter. To protect the child in the future, it was necessary that she not come in contact with him. If the child were to be returned to respondent-appellant, this necessitated that respondent-appellant also have no contact with Merklinger. By her own testimony, respondent chose not to do so. Respondent chose not to believe that Merklinger had abused the child. Therefore, the trial court did not clearly err in

¹ The court's opinion cited five different statutory grounds for termination. Although not specified, the second paragraph of the court's opinion makes it clear that termination was granted under MCL 712A.19b(3)(b)(iii), (c)(i), and (j).

finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J), formerly MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ David H. Sawyer

/s/ Patrick M. Meter

/s/ Bill Schuette